ATTORNEY DOCKET NO. 075234.0113

PATENT APPLICATION 10/616,779

APR 2 3 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In **R**e Application of:

Lawrence A. Krause, et al.

Serial No.:

10/616,779

Filed:

July 10, 2003

Group No.:

3713

Examiner:

Unknown

Title:

Simulcast Pari-Mutuel Gaming Machine with Casino and Lottery Styled Wagers for Continuous Play

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the following are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 23rd day of April, 2004 addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

- Revocation of Attorney and Appointment of New Attorneys for Non-Provisional Application, with Certificate under 37 C.F.R. 3.73(b) three (3) pages.
- Copy of Assignment "A" Cover Sheet two (2) pages, Copy of Assignment "A" six (6) pages, and Copy of Baker Botts' Check No. 120618 in the amount of \$120.00
- Copy of Assignment "B" Cover Sheet one (1) page, Copy of Assignment "B" one (1) page, and Copy of Baker Botts' Check No. 120624 in the amount of \$120.00
- Baker Botts L.L.P. Return Postcard (1)

Levado Hamilton

Express Mail Receipt

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DAL01:793228.1

PATENT APPLICATION 10/616,779

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Lawrence A. Krause, et al.

Serial No .:

10/616,779

Filing Date:

July 10, 2003

Examiner:

Unknown

Art Unit:

3713

Title:

SIMULCAST PARI-MUTUEL GAMING MACHINE WITH

CASINO AND LOTTERY STYLED WAGERS FOR

CONTINUOUS PLAY

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

REVOCATION OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEYS FOR NON-PROVISIONAL APPLICATION, WITH CERTIFICATE UNDER 37 C.F.R. 3.73(b)

Cantor Index LLC, a Delaware Limited Liability Company, certifies that it is the assignee in the patent application identified above by virtue of a chain of title from the inventors, of the patent application identified above, to the current assignee as shown on the attached Assignments.

2

I hereby revoke all prior powers of attorney in the subject application and appoint the following as principal attorneys with full power to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

I hereby appoint:

Practitioners at Customer Number

05073

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent applications filed thereon before any international authorities.

Please Direct Calls To:

Jay B. Johnson, Esq.

at 214.953.6431

I, Robert Bahrampour, Vice President and Assistant General Counsel of Cantor Index LLC, a Delaware Corporation, am empowered to sign this certificate on behalf of the assignee.

3

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Cantor Index LLC

April 21, 2004

By:

Robert Bahrampour

Vice President and Assistant General Counsel of Cantor Index LLC

OMB No. 0651-0011 (exp.4/94)

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Mail documents to be recorded with required cover sheet information:

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Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503.

Section 1 – Name of Conveying Parties

Additional Names (Individual)

Kenneth A. Scott 11739 N. 114th Way Scottsdale, Arizona 85259-2607

Citizenship: United States of America

ASSIGNMENT OF PENDING PATENT APPLICATION

Whereas, We, Kenneth A. Scott and Lawrence A. Krause of Scottsdale, AZ hereinafter referred to as "Applicants," have invented certain new and useful improvements on gaming machines for pari-mutuel racing, as below entitled, for which an application for a United States Patent was filed on July 10, 2003, hereinafter referred to as the "Patent Application," and,

Whereas DPS, Inc., a WI corporation, hereinafter referred to as "Assignee" whose mailing address is 10669 East Acoma Drive, Scottsdale, AZ 85255 is desirous of acquiring the entire right, title, and interest in and to the invention and in and to the Patent Application and any Patent that may issue thereon;

Now, therefore, in consideration of the sum of two dollars (\$ 2.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the Applicants, by these presents do sell, assign and transfer unto said Assignee the entire right, title and interest in and to said invention and in and to the Patent Application and all Patents which may be granted therefore, and all divisions, reissues, continuations, continuations-in-part and extensions thereof. We hereby authorize and request the Director of the U.S. Patent and Trademark Office to issue all United States Patents resulting therefrom to said Assignee; the same to be held and enjoyed by the Assignee for its own use and behoof, and for its legal representatives and assigns, to the full end of the term for which said Patents may be granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made.

We also assign to Assignee, all right, title and interest to the invention disclosed in the Patent Application throughout the world, including the right to file applications and obtain patents, utility models, industrial models and designs for said invention in its own name throughout the world including all rights to publish cautionary notices reserving ownership of said invention and all rights to register said invention in appropriate registries; and we further agree to execute any and all powers of attorney, applications, assignments, declarations, affidavits, and any other papers in connection therewith necessary to perfect such right, title and interest in Assignee.

We will communicate to Assignee any facts known to us respecting any improvements; and, at the expense of Assignee, we will testify in any legal proceedings, sign all lawful papers, execute all divisional, continuation, continuation-in-part, reissue and substitute applications, make lawful oaths and declarations, and generally do everything possible to vest title in Assignee and to aid Assignee to obtain and enforce proper protection for said invention in all countries.

DAL01:749308.1

This Assignment shall be binding on the parties' successors, assigns, and legal representatives.

Title of Invention: SIMULCAST PARI-MUTUEL GAMING MACHINE WITH CASINO AND LOTTERY STYLED WAGERS FOR CONTINUOUS PLAY

Executed this day of August, 2003 at State of Atause Lawrence A. Krause

Lawrence A. Krause

Kenneth A. Scott

State of Mizona Ss:

Before me personally appeared said Lawrence A Krause and Kenneth A Scott

And acknowledge the foregoing instrument to be their free act and deed this la day of Musing State of August State of Musing State of Musi

DIANNA L. HARRINGTON NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Commission Expires May 31, 2006

Seal

ASSIGNMENT OF PATENTS

Whereas, We, Lawrence A. Krause and Kenneth A. Scott of Scottsdale, AZ hereinafter referred to as "Patentees," did obtain two (2) United States patents for an improvement of games for pari-mutuel racing Nos. 6,309,307 dated 10/30/01 and 6,331,148, dated 12/18/01, hereinafter referred to as "Patents"; and whereas we are the sole owners of these Patents, and,

Whereas DPS, Inc., a WI corporation, hereinafter referred to as "Assignee" whose mailing address is 10669 East Acoma Drive, Scottsdale, AZ 85255 is desirous of acquiring the entire right, title and interest in the Patents;

Now, therefore, in consideration of the sum of four dollars (\$ 4.00), the receipt whereof is acknowledged, and other good and valuable consideration, we, the Patentees, by these presents do sell, assign and transfer unto said Assignee the entire right, title and interest in and to the said Patents aforesaid, including the rights of exclusivity, transferability, and the right to sue; the same to be held and enjoyed by the said Assignee for its own use and behoof, and for its legal representatives and assigns, to the full end of the term for which said Patents are granted, as fully and entirely as the same would have been held by us had this assignment and sale not been made. Patentees hereby assign to Assignee, as of the effective date of this Assignment of Patents and without any further consideration, any and all of Patentees' rights to royalties derived from the Patents, and all rights to sue and recover damages by reason of past infringement of the Patents.

This Assignment of Patents replaces any previous agreements regarding licensing or assigning said Patents between the Patentees and the Assignee. Patentees and Assignee specifically agree that the Licensing Agreements dated September 1, 1999 and the exclusive licenses granted therein, attached hereto as Exhibit A, are terminated as of the effective date of this Assignment of Patents.

Executed this Andrew day of August, 2003 at Scorspace, A
APPLICANTS:
huran Hraus e -
Lawrence A. Krause
Kenny 4 a. San
Kenneth A. Scott
DPS, INC.:
hourteurs of France
BY: Lawrence A. Krause
Kenne 4 G. Sax
BY: Kenneth A. Scott
State of Arizona
County of Maricopa SS:
Before me personally appeared said Lawrence A Krause and Kerneth A Scott
And acknowledge the foregoing instrument to be their free act and deed thisla_day
of August, 2003. Danna S. Harrington
Seal DIANNA L. HARRINGTON NOTARY PUBLIC - ARIZONA MARICOPA COUNTY My Commission Expires May 31, 2006 (Notary Public)
THE RESIDENCE OF THE PROPERTY

LICENSING AGREEMENT

Kenneth Scott is the co-inventor, co-originator, and named co-owner of the following patent pending and/or copyrighted concepts, words, and/or properties:

- Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations Patent pending Serial # 09/267,865 Filed 3/12/99
- 2. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations
 CIP
 Serial # 09/378,327
 Filed 8/20/99
- 3. "PowerDog"
 Copyright Originated 5/95
- 4. "P.A.W.S. Performance Added Wagering System" Copyright Originated 1/99
- 5. "K9 Casino" Copyright Originated 7/99

DPS, Inc. shall be granted exclusive license to the aforementioned properties only as they pertain to the company's efforts to license the properties to parimutuel venues.

Mr. Scott and his co-inventor shall allow DPS, Inc. exclusive license at the cost of one dollar (\$1.00) per year for the aforementioned properties for five (5) years until September 1, 2004 with two (2) year renewable terms thereafter.

Ke Sitt	9/1/99
Kenneth Scott	Date
Tawrence Krause - DPS, Inc.	9/1/99
Tawrence Krause - DPS, Inc.	Date /

LICENSING AGREEMENT

Lawrence Krause is the co-inventor, co-originator, and named co-owner of the following patent pending and/or copyrighted concepts, words, and/or properties:

- 1. Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations
 Patent pending
 Serial # 09/267,865
 Filed 3/12/99
- Casino/Lottery/Sports Styled Wagers and Games for Parimutuel Operations CIP Serial # 09/378,327 Filed 8/20/99
- 3. "PowerDog"
 Copyright Originated 5/95
- 4. "P.A.W.S. Performance Added Wagering System" Copyright Originated 1/99
- 5. "K9 Casino" Copyright Originated 7/99

DPS, Inc. shall be granted exclusive license to the aforementioned properties only as they pertain to the company's efforts to license the properties to parimutuel venues.

Mr. Krause and his co-inventor shall allow DPS, Inc. exclusive license at the cost of one dollar (\$1.00) per year for the aforementioned properties for five (5) years until September 1, 2004 with two (2) year renewable terms thereafter.

Lawrence Krause	9/1/99 Date
Kenneth Scott - DPS, Inc.	

BAKER BOTTS L.L.P.
ATTORNEYS AT LAW
800 Trammell Crow Center
2001 Ross Avenue
Debles Tayre 75 (201) Dallas, Texas 75201

INQUIRIES:(214) 953-6500 TAXPAYER I.D. #74-1195457

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TO THE COMMISSIONER OF PATENTS AND

TRADEMARKS ORDER

Appln. No. 10/616,779, Patent 6,309,307, and 6,331,148

Docket No. 075234 0115 | P

1-92 APR 2 3 2004

RECORDATION FORM COVER SHEET PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

To the Habbaghile Commissioner of Patents and Trademarks. Please record the attached original documents for copy thereof. 1. Name and Address of Patelly (res): DPS, Inc. 11739 N. 114" Way Scoradale, Artzona 85259-2607 Country: United States of America State: NY Zip: 10022 Additional name(s) of conveying party(ies) attached? Ves X No 3. Nature of conveyance: X Assignment Merger Scounty Agreement Change of Name Other Effective Date/Execution Date: October 21, 2003 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) 10/616,779 B. Patent No.(s) 6,309,307 and 6,331,148 Additional Numbers attached? Yes X No Additional Numbers attached? 7. Name and address of party to whom correspondence concerning document should be mailed: Name: Jay B. Johnson Internal Address: Baker Botts L.L.P. Street Address: 2001 Ross Avenue, Suite 600 City: Dallas State: Texas Zip: 75201-2980 DO NOT USE THIS SPACE 9. Statement and signature. To the best of my browledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Samita, Bahaysar Reg., No. 41.617 Name of Person Signing Signature Do not detach this portion Mail documents to be recorded with required cover sheet information: Mail Stop Assignment Recordation Services, Director. U.S. Patent and Trademark Office 20MB No. 051-0011 (eap-494) Do not detach this portion Mail Stop Assignment Recordation Services, Director. U.S. Patent and Trademark Office 20MB No. 051-0011 (eap-494) Do not detach this portion Mail documents to be recorded with required cover sheet information: Mail Stop Assignment Recordation Services, Director. U.S. Patent and Trademark Office 20MB No. 051-0011 (eap-494) Do not detach this portion of some and any attached cover sheet information: Mail Stop Assignment Recordation Services, Director. U.S. Patent and Consequent Control of the Author		ISUNLI				
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Scottsdie, Artzona 8259-2607 Country: United States of America Additional name(a) of conveying party(ies) stached? Yes X No 3. Nature of conveyance: Assignment Other Change of Name Other Effective Date/Execution Date: October 21, 2003 4. Additional name(a) & address(es) Other Effective Date/Execution Date: October 21, 2003 4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is: A. Patent Application No.(s) 10/616,779 B. Patent No.(s) 6,309,307 and 6,331,148 Additional Numbers attached? 5. Name and address of party to whom correspondence concerning document should be mailed: Name: Jay B, Johnson Internal Address: Baker Botts L.L.P. Street Address: 2001 Ross Avenue, Suite 600 City: Dallas State: Texas Zip: 75201-2980 DO NOT USE THIS SPACE ON Statement and signature. To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Samir A. Bhavsar Reg. No. 41.617 Name of Person Signing Total number of pages including cover sheet OMBI Scop Assignment Recordation Services, Director - U.S. Patent and Trademark Office PD Box 1459, Alexandria, VA 22313-1450 Mail documents to be recorded with required cover sheet information: Mail Scop Assignment Recordation Services, Director - U.S. Patent and Trademark Office PD Box 1459, Alexandria, VA 22313-1450 Mail Scop Assignment Recordation Services, Director - U.S. Patent and Trademark Office PD Box 1459, Alexandria, VA 22313-1450 Mail Scop Assignment Recordation Services, Director - U.S. Patent and Trademark Office PD Box 1459, Alexandria, VA 22313-1450	DPS, Inc.	Name:	Cantor Index L	LC		
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EXHIBITA

CONFIRMATORY PATENT ASSIGNMENT

WHEREAS, DPS, Inc., a corporation organized and existing under the laws of the state of Wisconsin, having a place of business at 11739 N. 114th Way, Scottsdale, Arizona 85259-2607 (hereafter called "DPS"), is the assignee of all right, title and interest in and to United States Patent No. 6,309,307 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Racing Operations,"; United States Patent No. 6,331,148 directed to "Casino/Lottery/Sports Styled Wagers And Games For Pari-mutuel Operation"; and United States Patent Application No. 10/616,779 directed to "Simulcast Pari-mutuel Gaming Machine With Casino And Lottery Styled Wagers For Continuous Play" (the "Assigned Patents"), by virtue of assignments dated August 12, 2003 from the inventors, Kenneth Scott and Lawrence Krause to DPS (submitted concurrently herewith for recording, with copy attached hereto);

WHEREAS, Cantor Index LLC, a limited liability company organized and existing under the laws of the state of Delaware, having a place of business at 135 East 57th Street, New York, New York, 10022 (hereinafter called "Cantor") is desirous of acquiring all right, title and interest in and to the Assigned Patents;

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration the receipt of which is herby acknowledged, it is hereby agreed as follows:

DPS hereby confirms that, pursuant to a certain Agreement entered into between DPS and Cantor, it has assigned and transferred to Cantor the entire right, title and interest in and to the Assigned Patents, together with rights to sue and to recover for past and future infringements of the Assigned Patents, the same to be held and enjoyed by Cantor, and each of its successors and assigns.

IN WITNESS WHEREOF, DPS has caused this Assignment to be duly executed as of the date of execution of this Confirmatory Patent Assignment.

DPS, Inc.

By: Kanness A. Sun Date: October 21, 2003 Attest: January A. Kanness

BAKER BOTTS L.L.P.
ATTORNEYS AT LAW
800 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201

INQUIRIES:(214) 953-6500 TAXPAYER I.D. #74-1195457

						
Invoice No.	Date		Voucher	Gross Amount	Discount	Net Amount
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Bank of America - Dallas Dallas, Texas

BAKER BOTTS L.L.P. ATTORNEYS AT LAW Dallas Operating Account

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PAY ONE HUNDRED TWENTY AND 00/100 Dollars

NOT NEGOTIABLE SIX MONTHS FROM THE DATE OF ISSUE

TWO SIGNATURES REQUIRED OVER \$3500.00

TRADEMARKS OF COMMISSIONER OF PATENTS AND

La. No. 10/616,779, Patent 6,309,307, and 6,331,148

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